



12-31-01

Docket No: ADA.001CIP1
EXPRESS MAIL NO.: EF103096310USA
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CONTINUATION IN PART APPLICATION

12/20/01
10/03/2001
PROIN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: Daniel Mercola *et al.*

Application No.: TBA

Filed: 20 December 2001

Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND GENES MODULATED BY TRANSCRIPTION FACTORS"

TRANSMITTAL FORMHonorable Commissioner of Patent and Trademarks
Washington D.C. 20231

Dear Sir:

Transmitted herewith for filing is the provisional patent application entitled "Isolation and Identification of Control Sequences and Genes by Transcription Factors" from Inventor Daniel Mercola *et al.* Enclosed are:

A patent application specification and 31 claims, 81 pages
 Sheets of formal drawings, 15 pages
 A Declaration
 A verified statement to establish small entity status under 37 C.F.R §1.9 and 37 C.F.R §1.27
 The additional claims fee has been calculated as shown below.
 Certificate of Mailing by "Express Mail"
 Response to an Office Action
 Revocation of Power of Attorney
 Information Disclosure Statement
 A return post card

For	No. Filed	No. Extra	Rate	Fee
Claims	31	11	11x \$9.00 =	\$ 99.00
Independent Claims	6	3	3x \$42.00 =	\$126.00
Multiple Dependent Claims	0	0	0x \$140.00 =	\$ 0.00
Filing Fee			\$370.00	\$370.00
TOTAL FEE:				\$595.00

Please charge Deposit Account No. _____ in the amount of _____. A duplicate copy of this sheet is enclosed.

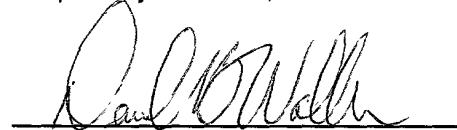
The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____

Any additional filing fees required under 37 C.F.R §1.16

Any patent application processing fees under 37 C.F.R §1.17

A check for the filing fee in the amount of five hundred ninety-five dollars (\$595.00) is enclosed, Check No. 1051

Respectfully submitted,



David B. Waller
Agent No.: 43,978

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CONTINUATION IN PART APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola et al.

Application No.: TBA

Filed: 20 December 2001

Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND GENES MODULATED BY TRANSCRIPTION FACTORS"

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Honorable Commissioner of Patents and Trademarks
Washington D.C. 20231

Dear Sir:

I hereby certify that the enclosures listed below are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No.: EF103096310US, on 20 December 2001, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,



David B. Waller
Patent Agent No.: 43,978

Enclosures:

Patent Application, 81 Pages
Transmittal, 2 Pages + Copy
Filing Fee, Check No.: 1051 for \$595.00
Return Postcard
Sequence Listing 42-59 of specification, 18 Pages

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

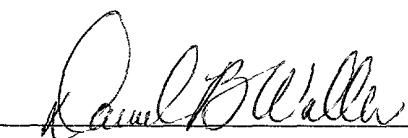
First Named Inventor *MERCOLA et al.*Title *Isolation and Identification of Control Sequences
and Genes Modulated by Transcription Factors*Atty Docket Number *ADA.001CIP1*

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

20 Dec 2001

Date



Signature

DAVID B. WALLER

Typed or printed name

PATENT AGENT NO. 43,978

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.